

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEE OBEE,

Defendant.

CASE NO. CR08-0377-JCC

ORDER

This matter comes before the Court on Defendant Dee Obee's motion for early termination of probation (Dkt. No. 24). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for the reasons explained herein.

**I. BACKGROUND**

Defendant pled guilty to one count of transporting child pornography. (Dkt. No. 4.) In May 2009, the Court sentenced Defendant to a mandatory minimum sentence of 60 months in prison, followed by five years of supervised release. (Dkt. Nos. 11, 12.) After completing his prison sentence in May 2013, Defendant began his term of supervised release. (Dkt. No. 24 at 2.)

In January 2016, Defendant admitted to violating the conditions of his supervised release when he had unauthorized contact with minors on two occasions, and subsequently lied to his probation officer about the contact. (Dkt. Nos. 14 at 1–2, 23.) The Court sentenced Defendant to

1 a period of time served, imposed 60 days of home detention, and extended Defendant's term of  
2 supervised release by five years. (Dkt. No. 23.)

3 Defendant now asks the Court to terminate his term of supervised release approximately  
4 24 months early because, "[t]here is nothing further for [him] or society to gain by continuing  
5 him on federal supervision for the last years of his life." (Dkt. No. 24 at 4.) Both the Probation  
6 Department and the Government object to early termination. (*Id.* at 2.)

## 7 **II. DISCUSSION**

8 The Court may terminate a term of supervised release "if it is satisfied that such action is  
9 warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C.  
10 § 3583(e)(1). In deciding whether early termination is appropriate, the Court must consider  
11 several factors, including the nature and circumstances of the offense, the history and  
12 characteristics of the defendant, the need to deter criminal conduct, the need to protect the public  
13 from further crimes, and the need to avoid disparity among similarly situated defendants. 18  
14 U.S.C. § 3583(e) (citing to factors listed by 18 U.S.C. § 3553(a)); *United States v. Emmett*, 749  
15 F.3d 817, 820 (9th Cir. 2014).

16 In pleading guilty to one count of transporting child pornography, Defendant admitted to  
17 sending six images of actual minors engaged in sexually explicit conduct to an undercover FBI  
18 agent. (Dkt. No. 6 at 5.) In a subsequent search of Defendant's home, the FBI recovered an  
19 additional 18 images constituting child pornography. (*Id.* at 6.) Defendant is 80 years old and has  
20 completed more than five years of supervised release. (Dkt. No. 24 at 3.) Outside of this  
21 conviction, Defendant has no other criminal history. (Dkt. No. 10 at 5.) The Court does not  
22 perceive any disparity if it were to terminate Defendant's supervision early.

23 However, the need to deter future criminal conduct and protect the public from further  
24 crimes weigh against early termination. Defendant was terminated from sexual deviancy  
25 treatment because he "had done little to change his internal motivating factors for his offense."  
26 (Dkt. No. 14 at 2.) Moreover, he violated the terms of his supervision by having unauthorized

1 contact with minors on multiple occasions, and lied to his probation officer about those contacts.  
2 (*Id.* at 1–2.) Notwithstanding the factors that weigh in favor of early termination—Defendant’s  
3 age and his lack of criminal history—Defendant’s conduct on probation suggests that there is a  
4 possibility he will reoffend. Given the nature of Defendant’s offense, the need to protect the  
5 public from further crimes, and Defendant’s conduct on probation, the Court finds that early  
6 termination would not be in the interest of justice.

7 **III. CONCLUSION**

8 For the foregoing reasons, Defendant’s motion for early termination of probation (Dkt.  
9 No. 24) is DENIED.

10 DATED this 4th day of January 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE